

COUNCIL MINUTES  
TIGARD CITY COUNCIL MEETING  
May 25, 2004

Mayor Dirksen called the meeting to order at 6:30 p.m.

Council Present: Mayor Dirksen; Councilors Moore, Sherwood, Wilson, and Woodruff.

- STUDY SESSION

- > Meet with Metro Council President David Bragdon – Discuss Excise Tax and Tipping Fee

Metro Council President Bragdon and Metro Solid Waste Director Michael Hoagland met with City Council. Financial Operations Manager Imdieke introduced this item reminding the Council that an excise tax is being considered by Metro (increase of \$2 per ton of solid waste) to support regional parks and the Convention Center. In addition to the increase in excise tax, Metro is also increasing other components of the tip fee and the transaction fee (currently \$67.18/ton with a \$6 transaction fee) for a total rate increase of about \$5.12 per ton. Council had earlier raised concerns about rate setting authority, the nexus of an excise tax to the parks and convention center, and funding issues for local parks. The options for the method to impose these increases were discussed as well as the fact that haulers have contacted City staff that discussions are needed on the franchise agreement with regard to rate increases.

Mayor Dirksen noted his issues with the little economic benefit that would be realized for Tigard residents with the funding directed towards the convention center. Councilor Wilson noted additional concerns that the greenspaces program was exceeding the expectations of voters who were not anticipating a new parks system when they approved the greenspaces bond measure. He noted instances where the City of Tigard did not accept donations of greenspace area because of maintenance costs. He questioned what will be done with all the spaces that are being protected. Councilor Wilson agreed that it is difficult to fund parks and understood why new revenues would be sought; however, this creates voter "fatigue" when they are asked to consider funding other programs or services.

Metro Council President Bragdon reviewed how Metro's budget is funded, which includes rate setting for garbage disposal, fees, and the ability to levy an excise tax. He said the Metro excise tax is comparable to the franchise fees that cities charge utilities. He outlined the funding for the zoo, which includes an operating levy and the money received by charging admission. A voter-approved bond funded the convention center and another voter-approved

bond approved the greenspaces acquisition program. In addition Metro receives federal grants. He noted the bond didn't provide for any maintenance funding and described the citizens group that recommended that an excise tax be implemented for parks and greenspaces maintenance. In addition two new parks, one in Wilsonville and one in Beaverton (Cooper Mountain) will be created. Since the initial request of a \$2/ton excise tax, the Metro solid waste budget was cut by 8% and the excise tax will now be \$1.38/ton.

Metro Solid Waste Director Michael Hoagland explained that the tipping fees were reduced in the mid-1990s from \$75/ton to \$62.05/ton and Metro has been using reserves since that time. The proposed increase in tipping fee was raised to \$70.96/ton (up from \$67.18/ton). The average residential customer will see an increase in their solid waste bill of 25 cents per month for the tipping fee raise and 13 cents from the excise tax. Commercial customers will see larger increases. Councilor Sherwood noted that this would represent an impact on the homeless shelter's expenses.

Mr. Imdieke, in response to a comment from Mr. Bragdon, clarified that one of the main reasons for a city franchise of solid waste is to minimize the number of large trucks on the road. These trucks use city streets and there is a related degradation of road conditions. The Engineering Department manages the transportation program for Tigard; this department is supported by the General Fund and in FY 2004-05, their budget is \$1.2 million.

In response to a question from Councilor Woodruff about whether the excise tax and increase in tipping fees were a "done deal," Mr. Bragdon affirmed that the Metro budget has been adopted. Councilor Sherwood said that parks in Wilsonville and Beaverton did not benefit Tigard. Mayor Dirksen noted the raise in fees impacts Tigard residents with no apparent return. Councilor Wilson objected to the way this increase had been communicated to local jurisdictions – after it was "a done deal." He said he requested more sensitivity to "our position" in the future.

> Review Park/Open Space Survey Questions

Park Manager Dan Plaza reviewed the draft survey questions with City Council. Also present was Consultant Mark Nelson from Public Affairs Counsel. In addition, Parks and Recreation Advisory Board (PRAB) Chair Switzer was present as well as PRAB member Bernhard. Comments by Council on the proposed survey were as follows:

- Too many specific questions. Ask more general questions before getting to specific programs. Move the more general questions from Page 7 to the beginning of the survey.
- The survey questions seem to indicate that the City is already considering a number of programs. It was requested that questions be phrased so that citizens can articulate what they would like to see to see implemented, how they would prioritize, and how much they would be willing to pay.
- In general, would the citizens want to see parks and recreation as a higher priority in Tigard?
- Survey should be structured as a needs assessment.

The PRAB will meet to review a revised draft. Another review with the Council will occur on June 8.

> Review Metro Transportation Improvement Program (MTIP) Application Package and Provide Comments

Community Development Director Hendryx reviewed this item with the City Council. Approximately \$41 million are available for transportation from federally authorized funds. The funds will be allocated in the Metro area through the Transportation Priorities 06-09 program. Metro has solicited projects for consideration; applications are due June 30. The funding for projects would be available fiscal year 2008-09. The recommended projects were reviewed with Council as outlined in a May 18, 2004, memo from Jim Hendryx to the City Council; a copy of this memo is on file with the City Recorder. Council noted general consensus with the staff's recommendations and these recommendations will be presented to Council for formal approval at its June 22 meeting.

> Update on Goal 5 (This update was presented during the Council Liaison Reports during the Business meeting – Item 1.4.)

> Administrative Items reviewed with Council included:

- a. Consideration of Proclamation has been added to the Agenda: Say NO to Hate, YES to Unity
- b. Request to consider Consent Agenda Item 3.1 separately – Consider the proposed Library Policies and Procedures
- c. Consent Agenda 3.3 – Intergovernmental Agreement with Washington County for the Improvement of Walnut Street Between 121<sup>st</sup> and 135<sup>th</sup> Through the Major Streets Improvement Program (Agreement was distributed to Council.)

Recessed Study Session at 7:33 p.m.

- EXECUTIVE SESSION: Not held.

1. BUSINESS MEETING

- 1.1 Mayor Dirksen called the City Council & Local Contract Review Board meeting to order at 7:40 p.m.
- 1.2 Roll Call
- 1.3 Pledge of Allegiance
- 1.4 Council Communications & Liaison Reports

> Update on Goal 5

Associate Planner Hajduk presented the staff report and the PowerPoint slide presentation highlighting her remarks are on file with the City Recorder. The purpose of the presentation was to discuss the large picture of resource protection, the major components of the current Goal 5 process program and to seek input on the potential program elements. Councilor Wilson, who is the Council liaison to the Tualatin Basin Partners, commented on this several-year process, and the status of the efforts by the Partners to meet federal and state requirements for protecting natural resources in the Tualatin Basin. He spoke about achieving environmental protection while balancing private property rights. He noted that at a recent public hearing representation of environmental groups and large and small property owners were about evenly divided. Councilor Wilson reviewed some of the issues of balance that the Partners are reviewing; for example, is it reasonable to prohibit all development in the 100-year flood plain?

Ms. Hajduk reviewed the timeline on the Goal 5 review:

- August 2004 – Basin Public Hearing
- December 2004 – Metro Council Decision
- Spring 2005 – Basin Partners adopt ordinances to implement

The Council decide it would review the "ALP" map at its June 15 Workshop Meeting.

- 1.5 Call to Council and Staff for Non-Agenda Items: None

> PROCLAMATION

- Say NO to Hate, YES to Unity

Mayor Dirksen noted that Tigard citizens had been targeted recently with distribution of hate literature in neighborhoods. Tigard High School students had

also been targeted with deliveries of hate messages on CD's. This type of activity is the gateway to possible violence. To respond, the City of Tigard is sponsoring a Unity Rally on Thursday, May 27, 6:30 p.m. at Cook Park. In addition the Mayor and City Councilors signed a "Say No to Hate, Yes to Unity" proclamation. The Mayor read the proclamation. Copies of this proclamation will be made available so members of the community can sign.

## 2. VISITOR'S AGENDA

- o John Frewing, 7110 SW Lola Lane, Tigard, Oregon spoke to the Council about directing city boards, committees and commissions to provide opportunity for citizen input on issues under review by those groups. He said he had not been able to offer testimony at a meeting he attended the evening before. Mr. Frewing also suggested that the Council be wary of street standard waivers for capital improvement projects that are offered by staff. He said waivers should go through a public process. (A copy of an e-mail dated May 25, 2004 from Mr. Frewing to Mayor Dirksen is on file with the City Recorder.)

## 3. CONSENT AGENDA: Item 3.1 was removed from the agenda and considered separately by the City Council. Motion by Councilor Wilson, seconded by Councilor Sherwood to approve the following:

- 3.2 Ratify City Manager's Employment Agreement
- 3.3 Consider Amendment to the Intergovernmental Agreement with Washington County for the Improvement of Walnut Street Between SW 121<sup>st</sup> and 135<sup>th</sup> Through the Major Streets Improvement Program
- 3.4 Local Contract Review Board:
  - a. Award Contract for the Construction of Fanno Creek Bank Stabilization to PCR, Inc.

The motion was approved by a unanimous vote of Council present:

Mayor Dirksen:	Yes
Councilor Moore:	Yes
Councilor Sherwood:	Yes
Councilor Wilson:	Yes
Councilor Woodruff:	Yes

Consider Consent Agenda Item 3.1 – Library Director Barnes and Councilor Sherwood requested that the proposed library policy with regard to alcohol exclusion be delayed until September 1, 2004. The Friends of the Library are hosting a fundraising event prior to the opening of the Library and they would like to include a

champagne toast as part of the event. This would also give a window of opportunity for other activities to celebrate the grand opening of the library. All other library policies would become effective August 2. Motion by Councilor Moore, seconded by Councilor Wilson to approve this item for the Consent Agenda as requested.

The motion was approved by a unanimous vote of Council present:

Mayor Dirksen:	Yes
Councilor Moore:	Yes
Councilor Sherwood:	Yes
Councilor Wilson:	Yes
Councilor Woodruff:	Yes

#### 4. TIGARD MUNICIPAL COURT ANNUAL REPORT

Municipal Court Judge O'Brien and Administrative Services Manager Robinson presented the staff report to the Council. A copy of the highlights of their PowerPoint presentation is on file with the City Recorder. Judge O'Brien reviewed the Municipal Court Programs: Traffic, Youth Court, and Civil Infractions.

The 2003 legislative changes included maximum, minimum and base-fines increases, an increase in the State unitary assessment from \$35 to \$37 per violation, and amendments to laws relating to speeding, school zones and pedestrians. In 2003, the Court's caseload increased 11% from 2002 with 8,250 violations processed. The Judge reviewed traffic court activity. In response to a question from Councilor Woodruff, the Judge said that the majority of time the minimum traffic fine is imposed on traffic violators because the majority of people appearing before him have good driving records the last three years. He added that the minimum fines, set by the legislature, are very high, \$150+ for a traffic violation. Ms. Robinson noted there are not a lot of repeat offenders and individuals are also faced with increased insurance premiums.

The Tigard Youth Court continues to be successful. About 200 cases have been heard since 2002, when the program began. Most of the citations in 2003 (67%) related to shoplifting offenses. Nearly all juveniles appear with their parents. About 99% enter guilty pleas after full misdemeanor arraignment, and more than 95% complete probation without violations or repeat offenses.

#### 5. SUMMER READING PROGRAM REPORT

Library Director Barnes presented the staff report including a PowerPoint presentation which is on file with the City Recorder. The goal of summer reading is to have families use the library and encourage children to read during the summer. Special summer programs were reviewed.

6. DISCUSS WASHINGTON COUNTY COOPERATIVE LIBRARY SERVICES (WCCLS) LEVY ELECTION RESULTS AND HEAR AN UPDATE ON THE NEW LIBRARY SCHEDULE

The Levy did not pass because the required 50% voter turnout did not happen. The majority of those who did vote, voted in favor of the levy. Staff will review services and programs.

Library Director Barnes reported that the new library construction remains within budget and on schedule. The current library will close on July 16 to begin the process of moving. The Library Foundation is planning an event, tentatively scheduled for July 30, as a fundraiser and to allow a sneak preview of the new library. There will be a trial-period opening of the library, with Grand Opening scheduled for Saturday, August 21.

Council meeting recessed: 9:10 p.m.

Council meeting reconvened: 9:13 p.m.

7. PUBLIC HEARING – CONSIDER EXCEPTIONS TO THE TRANSPORTATION SYSTEM PLAN STANDARDS ON CERTAIN STREET IMPROVEMENT PROJECTS

- a. Mayor Dirksen opened the public hearing.
- b. City Engineer Duenas presented the staff report wherein staff recommended Council authorize exceptions to the Transportation System Plan standards on certain street improvement projects. It is the intent of staff to follow the TSP standards wherever feasible. Mr. Duenas reviewed the reasons for deviating from those standards.
- c. Public Testimony: None.
- d. Staff Recommendation: Approve the proposed resolution authorizing exceptions to the TSP standards for certain city street improvement projects.
- e. Council Discussion: In response to a question from Councilor Wilson, Mr. Duenas confirmed that an arborist is consulted when decisions are made about whether trees can be saved.

City Manager Monahan referred to the May 25, 2004, e-mail from John Frewing regarding issues relating to the Hall Boulevard sidewalk improvements and the Mapleleaf Street improvements. These two projects would not have been affected by the proposed resolution nor would they have been the type of project recommended for exceptions. Exceptions are for city projects only where the City is trying to retrofit projects within existing development. Mr. Duenas said the Mapleleaf Street improvement is to convert a gravel road to pavement to reduced city maintenance costs. The Hall Boulevard project is a Community Development Block Grant project to address the needs of a low-

income neighborhood to provide sidewalks, which will make it safer for people to walk in this area.

There was discussion about the few number of homes that have been purchased when road improvement projects have come along. Councilor Wilson noted that sometimes it appears to be the better choice, specifically referring to the Gaarde Street improvements, to purchase a home when the road improvements take away a driveway.

- f. Mayor Dirksen closed the public hearing.
- g. Consideration by Council: Motion by Councilor Moore, seconded by Councilor Woodruff to approve Resolution No. 04-33.

**RESOLUTION NO. 04-33 – A RESOLUTION APPROVING  
EXCEPTIONS TO THE TRANSPORTATION SYSTEM PLAN  
STANDARDS ON CERTAIN STREET IMPROVEMENT PROJECTS.**

The motion was approved by a unanimous vote of Council present:

Mayor Dirksen:	Yes
Councilor Moore:	Yes
Councilor Sherwood:	Yes
Councilor Wilson:	Yes
Councilor Woodruff:	Yes

- 8. **PUBLIC HEARING (INFORMATIONAL) TO FINALIZE FORMATION OF  
SANITARY SEWER REIMBURSEMENT DISTRICT NO. 28 – PORTIONS OF SW  
O'MARA STREET, MCDONALD STREETS**
  - a. Mayor Dirksen opened the public hearing.
  - b. Project Engineer Berry reviewed the staff report outlining that the construction of improvements have been completed and final costs have been determined. The Engineer's report has been revised accordingly.
  - c. Public Testimony: None
  - d. Staff Recommendation: Approve the proposed resolution to form Reimbursement District No. 28 as modified by the final City Engineer's Report.
  - e. Council discussion followed which included a brief review of the reimbursement program.
  - f. Mayor Dirksen closed the public hearing.
  - g. Consideration by Council: Motion by Councilor Moore, seconded by Councilor Woodruff to approve Resolution No. 04-33.



RESOLUTION NO. 04-33 – A RESOLUTION FINALIZING SANITARY  
SEWER REIMBURSEMENT DISTRICT NO. 28 (SW O'MARA,  
MCDONALD STREETS)

The motion was approved by a unanimous vote of Council present:

Mayor Dirksen:	Yes
Councilor Moore:	Yes
Councilor Sherwood:	Yes
Councilor Wilson:	Yes
Councilor Woodruff:	Yes

9. COUNCIL LIAISON REPORTS: None

10. NON AGENDA ITEMS

> STUDY SESSION (Continued discussion on Administrative Items)

- d. Update – Bull Mountain White Papers (Memo was distributed to Council.)

City Manager Monahan referenced the memo from Community Development Director Hendryx on the white paper process that had been distributed to Council. It is anticipated that there will be a large amount of public testimony for the white papers review, the annexation plan hearing, and the ballot title hearing (if it's decided to have the annexation plan go forward). After discussion with Council, June 23, and 24, July 28 and 29, and August 11 and 12 are dates that the Council may consider for continuation of hearings or discussions.

Councilor Sherwood requested that groundrules for the conduct of these meetings be made available to people beforehand.

- e. Concerns have been noted by the City of Tualatin with the MPAC vote on Urban Growth Boundary. Mayor Dirksen said he tried to contact Mayor Ogden earlier today; he will try to reach him again. Councilor Wilson is the alternate representative for Washington County cities and he will attend the MPAC meeting should Mayor Kidd of Forest Grove be unable to attend.
- f. Calendar Review

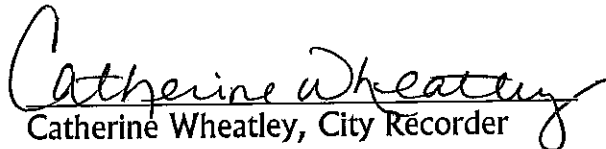
- May 27 -- Tigard Says No to Hate Rally -- Cook Park -- 6:30 p.m.  
City Manager Monahan reviewed the activities planned for the unity rally.
- May 31—Memorial Day Holiday -- City Offices Closed -- Ceremony at Crescent Grove Cemetery -- 11 a.m. (Mayor Dirksen is speaking at this event)
- June 5 -- Bonita Park Grand Opening, 11 a.m.
- June 8 -- Council Business Meeting -- 6:30 p.m.
- June 15 -- Council Workshop Meeting -- 6:
- June 20 -- Nicoli Athletic Field Dedication, 11 a.m.
- June 18-20 -- Balloon Festival
- June 22 -- Council Business Meeting -- 6:30 p.m.

h. Other discussion topics:


- City Manager Monahan distributed a proposal for public relation services from Rockey Hill & Knowlton regarding the public education effort regarding the Bull Mountain annexation.
- The County has not received a request from King City for assistance regarding potential annexation of Bull Mountain.
- Citizens from Bull Mountain testified at the recent hearing by the County regarding collecting parks SDC's. Photographs of Fanno Creek park were shown to the Commissioners including a segment of the park next to a parking lot and the pond which is fed by the Creek.
- Meeting logistics were discussed including security and providing the public with an opportunity to comment.

11. EXECUTIVE SESSION: Not held.

11. ADJOURNMENT: 10:07 p.m.

  
Catherine Wheatley, City Recorder

Attest:

  
Mayor, City of Tigard

Date: June 8, 2004

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